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22 UNITED STATES DISTRICT COURT

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24 DISTRICT OF NEVADA

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26 ALICIA INES MOYA GARAY, JUAN
27 JAIME LOPEZ-JIMENEZ, and
28 ARIBA LAS VEGAS WORKER
CENTER,

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Plaintiffs,

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vs.

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32 CITY OF LAS VEGAS, a municipality;
33 MICHELE FREEMAN, in her official
34 capacity as City of Las Vegas Chief of
35 Department of Public Safety;
36 BANANTO SMITH, in his official
37 capacity as Deputy Chief of Detention
38 Services; DOES 1 through 25, inclusive,

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Defendants.

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41 Case No. 2:20-cv-00119-GMN-EJY

42 STIPULATION AND ~~PROPOSED~~ ORDER
43 TO EXTEND DISCOVERY DEADLINES
44 (SECOND REQUEST)

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1 **STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY DEADLINES**

2 Pursuant to LR IA 6-1 and LR 26-3, the parties, by and through their respective counsel of
 3 record, hereby stipulate and request that this Court extend the Discovery Deadlines in the above-
 4 captioned case. Plaintiffs Alicia Ines Moya Garay and Juan Jaime Lopez-Jimenez (“Plaintiffs”)
 5 and Defendants City of Las Vegas, *et al.* (“Defendants”) stipulate and respectfully request a sixty
 6 (60) day extension of the current scheduling order deadlines. In support of this Stipulation and
 7 Request, the parties state as follows:

8 **A. DISCOVERY COMPLETED TO DATE**

9 Plaintiffs Alicia Ines Moya Garay and Juan Jaime Lopez-Jimenez (“Plaintiffs”) and
 10 Defendants City of Las Vegas, *et al.* (“Defendants”) made their initial disclosures on June 16, 2020.
 11 Plaintiffs propounded their First Set of Interrogatories on August 5, 2020. On August 31, 2020,
 12 Defendants requested an extension to respond to Plaintiffs’ First Set of Interrogatories, which
 13 Plaintiffs granted. On September 2, 2020 Plaintiffs served their First Set of Requests for Admission
 14 and Requests for Production of Documents. On September 10, 2020, Defendants served their
 15 responses to Plaintiffs’ First Set of Interrogatories. On September 24, 2020, Plaintiffs clarified
 16 their First Set of Interrogatories. On October 1, 2020, Defendants served their responses to
 17 Plaintiffs’ First Set of Requests for Admission. On October 15, 2020, Defendants served their
 18 responses to Plaintiffs’ First Set of Requests for Production of Documents. On October 20, 2020,
 19 Defendants served their responses to Plaintiffs’ First Set of Interrogatories.
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21 **B. DISCOVERY REMAINING TO BE COMPLETED**

22 The parties in this case continue to propound and respond to written discovery and must
 23 conduct depositions, in addition to making their expert disclosures.
 24

25 **C. REASON FOR REQUEST FOR EXTENSION OF DISCOVERY DEADLINES**

26 Plaintiffs intend to seek leave of Court to amend the First Amended Complaint to allege the
 27 true names and capacities of the DOE Defendants, and the roles they played, once their identities
 28

and/or manner of participation is ascertained. An extension of the discovery deadlines requires good and just cause. *See LR 26-3; see also Chambers Practices of The Honorable Gloria M. Navarro, United States District Judge at 1.* A party may show good cause to modify a discovery schedule date “if it cannot reasonably be met despite the diligence of the party seeking the extension.” *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). Prejudice to “the party opposing the modification” may also be relevant. *See id.*

Plaintiffs continue diligently to try to ascertain the names and capacities of the DOE Defendants through written discovery. Plaintiffs granted Defendants a one week extension to respond to their First Set of Interrogatories. Defendants served their responses on September 10, 2020. Defendants raised numerous objections to Plaintiffs’ First Set of Interrogatories. The parties met and conferred on September 14, 2020, and agreed that Plaintiffs would clarify their First Set of Interrogatories to allow Defendants to provide full responses. On September 24, 2020, Plaintiffs clarified their First Set of Interrogatories and requested Defendants’ responses by October 7, 2020. On September 30, 2020, Defendants indicated that they anticipated further objections to Plaintiffs’ First Set of Interrogatories and would not be able to provide complete responses by October 7, 2020. The parties met and conferred on October 6, 2020 and agreed that Defendants would provide full responses to Plaintiffs’ First Set of Interrogatories by October 19, 2020. On October 20, 2020, Defendants served their responses to Plaintiffs’ First Set of Interrogatories and raised several objections. The parties will meet and confer to resolve the ongoing discovery dispute.

Plaintiffs cannot move for leave to file an amended complaint that alleges a plausible claim for relief against each defendant unless it substitutes the true names and capacities of “those who personally participated in the deprivation of his right” for the DOE Defendants currently named. *See Cepero v. Las Vegas Metro. Police Dep’t*, No. 211CV01421JADGWF, 2018 WL 5043775, at *7 (D. Nev. Oct. 16, 2018), report and recommendation adopted, No. 211CV01421JADGWF, 2018 WL 5726176 (D. Nev. Oct. 31, 2018) (citing *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002)). Despite Plaintiffs’ diligence in this regard, as demonstrated by discovery requests and the parties’ efforts to confer on the discovery that seeks to identify the relevant officers, Plaintiffs have been

1 unable to ascertain the true names and capacities of the officers. Plaintiffs will therefore be unable
 2 to move for leave to file an amended complaint by the current deadline of October 27, 2020.

3 Further, based on the number of witnesses identified in Defendants' initial disclosures and
 4 discovery responses, the parties have discussed the possibility of seeking leave of court under Fed.
 5 R. Civ. P 30(a)(2)(A)(i) to take more than ten (10) depositions. The parties respectfully request an
 6 extension of the discovery cut-off date, in the event that the parties stipulate to taking more than
 7 ten depositions at a later time.

8 Because of Plaintiffs' diligence and because Defendants do not oppose the request, the
 9 parties demonstrate good and just cause for the extension. The parties respectfully request a sixty
 10 (60) day extension of the current scheduling order deadlines in accordance with the proposed
 11 scheduling order below.

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13 **D. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

- | | |
|---|-------------------|
| 14 1. Initial Disclosures | June 16, 2020 |
| 15 2. Discovery Cut-off date | March 26, 2021 |
| 16 3. Amending pleadings / adding parties | December 28, 2020 |
| 17 4. Merits experts' disclosures due | January 29, 2021 |
| 18 5. Rebuttal experts' disclosures due | March 1, 2021 |
| 19 6. Dispositive Motions due | April 26, 2021 |

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22 Dated: October 27, 2020

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24 MEXICAN AMERICAN LEGAL DEFENSE
 AND EDUCATIONAL FUND

BRYAN SCOTT
 City Attorney

25 By: /s/ Adrian Hernandez
 26 Belinda Escobosa Helzer
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Attorneys for Plaintiffs

IT IS SO ORDERED:

Eayna J. Zouchah
UNITED STATES MAGISTRATE JUDGE

DATED: October 28, 2020